

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

In re: ALEXIS MAGER LAKUSTA,
Debtor.

ALEXIS MAGER LAKUSTA.,
Plaintiff/Appellant,

v.

MARK EVANS, et al,
Defendants/Appellees.

No. C 06-6105 PJH/
Adv. Case No. 03-3549 TC

**ORDER TRANSMITTING
DEBTOR'S OSC RESPONSE TO
BANKRUPTCY COURT CLERK;
INQUIRY RE: TRANSMITTAL OF
RECORD ON APPEAL**

Because it appeared to this court that debtor Alexis Mager Lakusta ("Lakusta") had failed to designate the record and the issues on appeal in accordance with Federal Rule of Bankruptcy Procedure ("FRBP") 8006, this court issued an order to show cause on March 21, 2007 and directed Lakusta to respond regarding why his appeal should not be dismissed for a failure to prosecute. On April 2, 2007, Lakusta filed a response with this court. In that response, Lakusta asserts that he did designate the record and issues in conjunction with this appeal, which concerns *only* the bankruptcy court's September 8, 2006 order in adversary case no. 03-3549 TC (Chapter 7 case no. 02-31521 STC) declaring him a vexatious litigant and enjoining certain future proceedings. Lakusta attached to his response a copy of the designation filed with the bankruptcy court on September 28, 2006.

1 To date, the clerk of this court has not received from the clerk of the bankruptcy
2 court the record, as designated by appellee Evans in the designation he filed with the
3 bankruptcy court on December 8, 2006; nor as appellant Lakusta contends he designated
4 with the bankruptcy court on September 28, 2006.

5 The court has attached copies of its March 21, 2007 order to show cause and
6 Lakusta's subsequent April 2, 2007 response for the bankruptcy court's reference. Based
7 on the bankruptcy court docket and the documents before it, it appears to this court that the
8 parties have filed the requisite documents pursuant to FRBP 8006, such that transmittal of
9 the record to this court should occur. If that is the case, then the court requests that the
10 bankruptcy court clerk transmit the record to the clerk of this court. If that is not the case,
11 then the bankruptcy court clerk is requested to inform this court otherwise.

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13 Dated: April 11, 2007

14 **IT IS SO ORDERED.**



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PHYLLIS J. HAMILTON
United States District Judge
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